

NEM:SMS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE SEARCH OF
THE PERSON KNOWN AND DESCRIBED
AS IVANJOEL ARYEETAY, USMS #
77458-054

APPLICATION FOR A SEARCH
WARRANT

Case No. 24-MC-3444

EASTERN DISTRICT OF NEW YORK, SS:

WALTER MIKOWSKI, being duly sworn, deposes and says:

INTRODUCTION

1. I am a Detective with the New York City Police Department (“NYPD”) and a Task Force Officer with the United States Attorney’s Office for the Southern District of New York (“USAO-SDNY”). I have been employed as a Detective with the NYPD for approximately fourteen years. I have been a Task Force Officer for approximately two and a half years. I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement officers and others, and in part upon my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause to obtain DNA samples from IVANJOEL ARYEETAY (“ARYEETAY”), USMS # 77458-054, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

2. This affidavit is submitted, pursuant to Rule 41 of the Federal Rules of Criminal Procedure, in support of the Government's application for a warrant to obtain DNA samples from ARYEETAY.

3. ARYEETAY has been charged in the Southern District of New York in Indictment 23 Cr. 561 (JPC) with possession of a firearm after a felony conviction, in violation of 18 U.S.C. § 922(g)(1). Indictment 23 Cr. 561 (JPC) is attached hereto as Exhibit A and is incorporated by reference herein.

4. Count One of the Indictment charges ARYEETAY with possessing a firearm on or about September 5, 2023, in the vicinity of 1016 Washington Avenue in the Bronx, New York.

5. Based on my involvement in this investigation, my review of law enforcement reports, and my conversations with other law enforcement officers, I have learned in substance and part the following:

a. On or about September 5, 2023, NYPD officers observed ARYEETAY driving without a seatbelt and attempted to pull ARYEETAY over. ARYEETAY did not stop immediately and sped off instead. Eventually, ARYEETAY crashed the vehicle he was driving and continued to flee the NYPD officers on foot. While fleeing on foot, ARYEETAY threw a bag that he was carrying into an abandoned lot in the vicinity of 1016 Washington Avenue in the Bronx. NYPD officers' body-worn camera footage shows NYPD officers recovering the bag and finding a loaded Taurus USA 9mm caliber pistol inside ("the Firearm").

b. On or about January 17, 2024, ARYEETHEY, through his counsel, filed a motion to suppress (the “Motion”) the evidence recovered during the attempted traffic stop, including the Firearm. On or about May 23, 2024, after holding a suppression hearing on the Motion, the Honorable John P. Cronan denied the Motion.

c. ARYEETHEY is currently incarcerated at the MDC Brooklyn. His USMS # is 77458-054.

DNA ANALYSIS

6. Based on my conversations with other law enforcement officers and my review of law enforcement reports, I have learned, in substance and in part, the following:

a. Following ARYEETHEY’s arrest and the seizure of the Firearm, law enforcement collected DNA samples from various locations on the Firearm.

b. Based on my training and experience, I have learned that the New York City Office of Chief Medical Examiner (“OCME”) may be able to compare the DNA collected from the Firearm with a sample of DNA from ARYEETHEY. Further, OCME may also be able to determine the likelihood that the DNA collected from the Firearm came from ARYEETHEY.

REQUEST FOR SEARCH WARRANT

7. Based upon the foregoing, I submit that there is probable cause to believe that the DNA of ARYEETHEY will be found on the firearm, and thus provide evidence establishing that ARYEETHEY possessed the firearm on September 5, 2023. Accordingly, the

Government requests a warrant authorizing the procurement of DNA samples from ARYEETHEY.

8. Based on my training and experience, I know and understand that the DNA samples from ARYEETHEY will be obtained by using cottons swabs and swabbing the inside of ARYEETHEY's mouth and specifically the linings of his cheeks. To ensure a successful test, we will obtain two samples from each cheek. An appropriately trained law enforcement officer, or an appropriately trained designee, will perform the swabbing when ARYEETHEY is physically in the Eastern District of New York. The DNA samples sought herein will be collected by buccal swabbing. This method involves taking a sterile swab (similar to a Q-tip) and gently scrubbing the inside right cheek, then the inside left cheek, for approximately five to ten seconds. Two samples are requested in the event that one of the samples becomes contaminated or otherwise cannot be tested. The samples seized will then to be placed in sealed containers and transported to the NYPD Laboratory for analysis by OCME.

9. If the requested warrant is issued, the Government will contact ARYEETHEY's attorney to arrange a mutually convenient time for the collection of the DNA samples should he or his client wish to have counsel present for the procedure.

WHEREFORE, I respectfully request that a search warrant be issued pursuant to Rule 41 of the Federal Rules of Criminal Procedure, authorizing myself and other law enforcement officers to obtain DNA samples from ARYEETAY in accordance with the procedures set forth above.

/s/ Walter Mikowski

WALTER MIKOWSKI

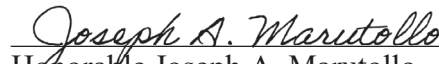
Detective

New York City Police Department

Task Force Officer

U.S. Attorney's Office SDNY

Sworn to before me by telephone
On September 5, 2024



Honorable Joseph A. Marutollo
United States Magistrate Judge
Eastern District of New York